

MICHAEL P. MANGAN (MM-5773)

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANNETTE BROWN,

Plaintiff,

09 CV 3282 (JBW)(RLM)

- against -

DECLARATION OF  
MICHAEL P. MANGAN

STARRETT CITY ASSOCIATES and  
SGT. RUPPERT NEWMAN,

Defendants.

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MICHAEL P. MANGAN, Esq. an attorney duly admitted to practice law in this Court and the State of New York, under the penalties of perjury, affirms the following:

1. I am fully familiar with this matter and the instant application.
2. I respectfully submit this Declaration in support of plaintiff's attorney's fees application.
3. I graduated from Temple Law School in Philadelphia, Pennsylvania in May 1998, where I was on the Temple Law Review. I was admitted to practice in New York and New Jersey in 1999. I have been admitted to practice before this Court since 2005.
4. Between 1999 and 2004, I held positions as General Counsel for an online retailer, and for an office of supervisory jurisdiction ("OSJ") to a securities broker/dealer and registered investment advisor ("RIA"). In addition, I had a solo practice representing claimants in securities arbitrations, and I served as trial counsel to two Manhattan-based personal injury firms. During this period of

time, I represented several plaintiffs with federal employment discrimination claims.

5. In 2004 I opened my own law office at 80 Wall Street, New York, New York. My practice since 2004 has consisted of representing clients in various types of litigation, both plaintiffs and defendants, in state and federal trial and appellate courts, and before arbitration panels, including commercial claims, actions for loss of property, defamation actions, and actions for negligence, as well as employment and civil rights claims.

6. Since 2004, I developed a concentration in civil rights and police misconduct actions, representing more than fifty civil rights plaintiffs in actions to vindicate their rights secured under the Fourth Amendment through 42 U.S.C. § 1983. This has included an ancillary practice in defending against criminal prosecutions in state courts, and includes representing clients in appeals before the Second Circuit Court of Appeals. In representing clients who pursue § 1983 claims, since about 2004, I have developed a firm understanding of not only the issues surrounding liability, but the values of the claims both at trial and in settlement.

7. Annette Brown retained my office's legal services to prosecute her civil rights and related state claims in January 2009. Since that time, I have had regular and continual communications and meetings with Ms. Brown regarding her claims. The retainer agreement between us calls for a contingency fee on amounts recovered at trial, and that all attorneys' fees recovered under the appropriate civil rights statutes would be payable to me as counsel.

8. Throughout the litigation, I kept contemporaneous notes of the time spent in prosecuting Annette Brown's claims against the defendants. These notes were recorded both in the file, as well on an ongoing ledger, kept on a Microsoft Excel spreadsheet on my computers, which is the method that I use for recording my billable hours for all clients.

9. Throughout the litigation, I kept copies of all related receipts for expenses.

10. My current billable hourly rate is \$300 per hour. In 2009, my billable hourly rate was \$275 per hour. I do also, however, represent some clients through a contingency fee arrangement of one-third of the settlement or verdict, less expenses. In these cases my hourly rate, as calculated, fluctuates between amounts higher than \$300 per hour as well as lower. Finally, on some occasions, I provide legal representation for a single amount or “flat-rate.” This arrangement occurs most often when providing representation in a criminal matter.

11. I submitted copies of my office’s billable hours records, as well as the signed retainer agreement and receipts for the disbursements to the Court in hard copy, on July 28, 2011, pursuant to the orders of the Court. Defendants’ counsel also received these materials from my office.

Exhibits Attached In Support as Referred to in Plaintiff’s Memorandum of Law:

12. In support of this application, attached herein are

- Exhibit 1. Plaintiff’s July 29, 2009 Complaint;
- Exhibit 2. Defendants February 28, 2011 Motion for Summary Judgment;
- Exhibit 3. Mangan March 10, 2011 Letter to Counsel;
- Exhibit 4. Defendants’ March 15, 2011 Letter to Court;
- Exhibit 5. Defendants March 18, 2011 Motion for Summary Judgment;
- Exhibit 6. Defendants June 28, 2011 Motion to Adjourn;
- Exhibit 7. Plaintiff June 30, 2011 Motion to Preclude;
- Exhibit 8. July 8, 2011 Trial Proceedings Trans.

Dated: New York, New York  
August 15, 2011

Respectfully submitted,  
/s/

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Michael P. Mangan (MM-5773)